

Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TSUNG H HSU,

Plaintiff,

v.

NORTHWESTERN MUTUAL LIFE
INSURANCE COMPANY,

Defendant.

C20-88 TSZ

**ORDER GRANTING
STIPULATED MOTION FOR
LEAVE TO CONDUCT
EXPERT DEPOSITIONS
AFTER DISCOVERY CUTOFF**

On this day came before the Court the parties' Stipulated Motion to conduct expert depositions after the current discovery cutoff. In support of their motion, the parties state that they wish to conduct expert depositions after the discovery cutoff so that they can incorporate their experts' disclosures into those depositions.

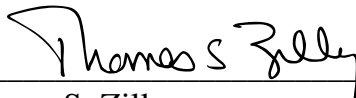
"A schedule may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4); *see also* LCR 16(b)(5) ("A schedule may be modified only for good cause and with the judge's consent."). The decision to modify a scheduling order is within the broad discretion of the district court. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992). Rule 16(b)'s "good cause" standard primarily considers the diligence of the party seeking the amendment. If a party has acted diligently yet cannot reasonably meet scheduling dates or deadlines, a court may allow modification of the schedule.

1 The Court finds that good cause exists to grant leave for the parties to conduct expert
2 depositions after the discovery cutoff. The parties have resolved all discovery matters thus far
3 by agreement and without intervention of the Court, with further agreement now made between
4 the parties as to deposition cost responsibility and accommodation for holding depositions
5 remotely. Permitting the parties to conduct expert depositions after exchanging expert
6 disclosures will allow them to incorporate expert disclosures into expert depositions. This
7 serves the interests of justice and efficiency articulated in Fed. R. Civ. P. 1 and LCR 1(a), and
8 safeguards the Court's trial schedule by keeping the other case scheduling dates in place.

9 Accordingly, after careful consideration of the Motion, the Court GRANTS the Motion
10 for good cause shown.

11 IT IS HEREBY ORDERED, that the case schedule shall be amended as follows:

12
13 DATED this 8th day of January, 2021.

14
15 
16 Thomas S. Zilly
17 United States District Judge

18 DATED this 7th day of January, 2021.

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